

liberty; and it might therefore well be considered superfluous in the majority, of which it is composed, to repeat their perfect acquiescence in such parts of the proposition, as merely purports to declare, what will be universally admitted, that it is our fortunate lot to live under a free representative government, where the legitimate expression of the will of the people is not to be controlled by any usurpation of authority in their agents. The committee entertain an entire confidence, that this house, constituted as it is, will be prepared at all times to manifest a devotion to this constitutional principle, by the evidence not merely of the lips, but of firm and manly conduct in resisting the encroachments and abuses of power, even in the worst times of peril, arising from the corrupt and arbitrary influences which are apt to affect the destiny of a free state in the progress of every unnecessary offensive war.

It will be observed, that blended with much objectionable matter, the preamble and resolutions contain several obvious positions of undisputed right, which will be fully acceded to by every member of this house; and it is perhaps only to be regretted, that the manner in which they are brought forward, may possibly induce a suspicion, that they are conceived to be new discoveries, or have been but recently received, with their just impression in the source from whence they have now proceeded.

The committee presume, that the positions alluded to have been long understood by the free people of this state; and although the duty which they inculcate cannot depend upon the efficacy of any written declaration at this time, yet this house, being fully mindful of their force, will not hesitate, in practice as well as in language, to assert the following doctrines, which the committee have extracted from the said preamble and resolutions, with a sincere wish that these doctrines may be perpetual,—to wit:

1st. "It is the fundamental principle of the constitution of the state of Maryland, that all government is by right vested in and proceeds from the people, from which first great principle emanate the several provisions of the constitution, and the laws framed in conformity thereto, in relation to the exercise of the right of suffrage by the people in the choice of Delegates to the General Assembly.

2dly. It is evident that such delegates shall be elected by the majority of the free white male citizens of the state qualified to vote, who should poll at such election."

3dly. It is most clear and indisputable that the house of delegates thus created by the will of the majority, has no power or right to create members in that body not elected by the majority of legal voters, to the exclusion of such as were elected by such a majority.—In this it may be added, there is a palpable difference between the house of delegates and the other branch of the legislature. The senate have not only "the power to create members" of their own body, by filling up vacancies, but in the exercise of that power, the committee believe it is sufficiently known, that they are not invariably guided by the will of "the majority of legal voters" in the counties from which their members are upon such occasions created.

4thly. "That the house of delegates, in judging of the qualifications and election of their own members, are bound to conform to the constitution and law of the land."

5thly. "That no man can be entitled to a seat in the house of delegates unless he be elected thereto by a majority of legal votes of the free white male citizens of the United States, above the age of twenty-one years, who had resided twelve months in the state of Maryland, and six months in the county where he votes, next before the election, and at the time of his voting is a resident of the district in which he voted."—Thereby meaning, as the committee suppose, a majority of such legal votes as are actually and legally polled in the county.

Although the committee can perceive no immediate purpose or necessity for making an abstract declaration of such self evident truths, they have no doubt that the house will cordially assent to them; and if other parts of the said preamble and resolutions are rejected, in conformity with this report, the committee recommend, that, should the house concur with this report, it is to be understood that the house do at the same time fully concur in the said declaration of undisputed principles in the manner in which they have been recited.

The three last resolutions, with a portion of the preamble, present questions of very different aspect; upon which the committee consider that the house have already completely and rightfully decided in the controverted case of the Allegany election. This decision having been made in virtue of their constitutional powers, a rigid attention to their own dignity would perhaps forbid this house from entertaining any further enquiry upon questions which have been thus settled. But the committee are satisfied, that the further the enquiry is pursued, the more completely will the house be confirmed in the decision which has been given. It is not necessary to enter into a detail of all the arguments which support this opinion, because the election law itself is conceived on the very face of it, to furnish a clear demonstration of its propriety. But the committee cannot forbear adverting to the extraordinary positions which have been assumed in the paper before them, and to the serious consequences which would naturally flow from them.

It is assumed in the said resolutions and preamble, that the oath of the judges of election, prescribed by law, is not necessary to the validity of their acts; that the returning or presiding judges have no power to determine upon the legality of any poll which may be offered to them; and that no election can be avoided by the omission, irregularity, or misconduct of any election judge, clerk or other officer.

If it was designed entirely to corrupt and destroy the purity and freedom of the elective franchise, your committee think it would be difficult to select any plan more effectual for that purpose than what is suggested by these unqualified assertions.

From the entire system of our elections, which were made by ballot, it will not escape reflection, that the main security for the impartiality and fairness with which they ought to be con-